

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**1. CATHERINE D. CARTER, an
individual,**

Plaintiff,

v.

**1. CLEVELAND AREA HOSPITAL
AUTHORITY, a domestic public trust,**

Defendant.

**Case No. 17-cv-00683-JHP-FHM
State Court Case CJ-17-99**

NOTICE OF REMOVAL

Defendant Cleveland Area Hospital Authority (“Defendant”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby respectfully removes the above-styled action from the District Court of Pawnee County, Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant states as follows:

1. On December 1, 2017 Plaintiff Catherine D. Carter (“Plaintiff”) commenced this action by filing her Petition, in the District Court of Pawnee County, Oklahoma, Case No. CJ-17-99, against Defendant alleging retaliation under Title VII of the Civil Rights Act, 42 U.S.C. § 2000e. See Plaintiff’s Petition, attached as Exhibit 1.

2. Defendant was served with a copy of Plaintiff’s Petition and Summons, attached as Exhibit 2 on December 6, 2017.

3. Other than Plaintiff’s Petition and Summons, no further process, pleadings, or motions have been filed in the case. In accordance with LCvR 81.2, a copy of the Pawnee County District Court docket sheet is attached as Exhibit 3.

4. “Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant...to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a).

5. This Court has “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. §1331. Accordingly, insofar as Plaintiff asserts claims against Defendant under 42 U.S.C. § 2000e, *et seq.*, this action “aris[es] under the...laws...of the United States,” and this Court has original jurisdiction of Plaintiff’s claims under 28 U.S.C. § 1331.

6. In addition, venue, for purposes of removal only, is proper in this Court under 28 U.S.C. §1441(a) because the District Court of Pawnee County, Oklahoma, is located within the Northern District of Oklahoma.

7. Further, because Defendant was served with Plaintiff’s Petition and Summons on December 6, 2017, this Notice of Removal is timely because it is being “filed within 30 days after the receipt by [D]efendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” 28 U.S.C. §1446(b)(1).

8. Written notice of the filing of this Notice of Removal will be served on Plaintiff and filed with the Clerk of Court of the District Court of Pawnee County, Oklahoma.

9. Pursuant to Local Rule 81.2, Defendant’s Status Report on Removed Action shall be filed contemporaneously with this Notice of Removal.

10. This Notice of Removal does not waive any objections to defects in process or service of process, jurisdiction, venue, statute of limitations, exhaustion of administrative remedies, or any other defense.

WHEREFORE, Defendant prays that the above-styled action now pending against it in the District Court of Pawnee County, Oklahoma, be removed to this Court.

Dated: December 21, 2017

Respectfully submitted,

**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**

By: s/J. Patrick Cremin

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**ATTORNEYS FOR DEFENDANT,
CLEVELAND AREA HOSPITAL
AUTHORITY**

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2017, I electronically transmitted the attached Notice of Removal to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the Following ECF registrants:

Daniel E. Smolen, Esq.
Smolen, Smolen, & Roytman PLLC
701 South Cincinnati Avenue
Tulsa, OK 74119-1613

s/ J. Patrick Cremin

J. Patrick Cremin